

**MEMORANDUM ENDORSED**



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**Via PACER**

April 10, 2023

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Hon. Gregory H. Woods  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: Gibson v. Empanada Mama LLC et al  
1:22-cv-10106-GHW  
Request to Adjourn/Leave to File**

Hon. Gregory H. Woods:

My office represents Plaintiff in the above referenced matter. I write to request an extension of time for the parties to file a joint letter and case management plan and an adjournment of the initial conference, *sine die*, and leave to file the necessary documents to pursue default judgment against the Defendants. As per Your Honor's December 6, 2022 Order, this request is filed at least two (2) business days prior to the first scheduled deadline. As per Your Honor's individual rules, the necessary information is as follows:

- 1) The original due date: The current deadline for submission of a joint letter and case management plan is April 12, 2023.
- 2) Number of previous requests: None.
- 3) Reason for the current request: Plaintiff is unable to meet and confer in order to submit a joint letter and a jointly prepared case management plan, as Defendants have failed to answer and no Notice of Appearance has been filed for an attorney for either Defendant.
- 4) Whether adversary consents; reason for refusing consent: Plaintiff cannot secure consent or refusal of consent for the reasons set forth above.
- 5) Proposed alternative dates: N/A, there are no subsequent dates that would be impacted by the extension; Plaintiff proposes that the currently scheduled conference and filing deadline dates be adjourned/extended *sine die*, to be scheduled upon appearance by Defendants; or, will be rendered moot by way of default judgment.

For the foregoing reasons, Plaintiff respectfully requests an extension of time for the parties to file a joint letter and case management plan and an adjournment of the initial conference, *sine die*, and leave for Plaintiff to file the necessary documents to pursue default judgment against the Defendants. My office remains available should any further information be required. Thank you for your time and consideration.

Respectfully Submitted,

BELL LAW GROUP, PLLC

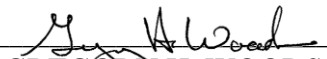


Daniel A. Johnston, Esq.

The Court understands from this letter that Plaintiff intends to seek an entry of default in this case because Defendants have failed to appear. If Plaintiff wishes to act on that intention, it is instructed to prepare an order to show cause for default judgment in compliance with the Court's individual rules in civil cases (which are available on the Court's website) no later than May 11, 2023. Because Defendants have not appeared, the conference currently scheduled for April 19, 2023, see Dkt. No. 7, is adjourned to May 22, 2023 at 2:00 p.m. If Plaintiff chooses not to file for an entry of default by May 11, 2023, or if Defendants appear before any order to show cause is filed, Plaintiff (or the parties, if Defendants appear) is instructed - by no later than May 11, 2023- to send the Court an updated status letter explaining how it intends to proceed in this case. If Defendants appear before that time, the parties should also send a case management plan in accordance with the Court's order at Dkt. No. 7. Counsel for Plaintiff is directed to serve this order on Defendants and to retain proof of service. The Clerk of Court is respectfully directed to terminate the motion pending at Dkt. No. 10.

SO ORDERED.

Dated: April 12, 2023  
New York, New York

  
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GREGORY H. WOODS  
United States District Judge